

Message Text

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S E C R E T STATE 220684 TOSEC 260109

STADIS////////////////////////////////////
EXDIS

FOLLOWING USUN 3591 SENT ACTION SECSTATE SEP 4:
QUOTE SECRET USUN 3591

STADIS

EXDIS

FROM AMB LEARSON

FOR LORD

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LOS: REPORT TO THE SECRETARY

REF: SECTO 26008

1. SUMMARY: IMPACT OF SECRETARY'S VISIT POSITIVE,
BUT MAY NOT BE SUFFICIENT TO OVERCOME GENERAL ATMOSPHERE
OF IMPASSE THAT HAD DEVELOPED. MODERATES INTERESTED IN
COMMITTEE I PACKAGE, BUT EXTREMISTS ARE COUNTER-
ATTACKING. EXTENT OF OBTAINABLE IMPROVEMENTS ON HIGH
SEA STATUS OF ECONOMIC ZONE AND MARINE SCIENTIFIC RESEARCH
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STILL UNCLEAR, BUT ACTIVITY HAS BEEN STIMULATED BY
SECRETARY'S VISIT. IF AMERASINGHE PRODUCES A NEW TEXT,
IT IS LIKELY TO MOVE AGAINST US ON THE FIRST COMMITTEE,
AND POSSIBLY SOMEWHAT IN OUR DIRECTION IN II AND III.
US STRATEGY DESIGNED TO PRESERVE BASICS OF RSNT ACCESS

SYSTEM IN ANY NEW TEXT, WHILE PROMOTING SOME CHANGE IN OUR DIRECTION IN II AND III. CONFERENCE LIKELY TO CALL ANOTHER SESSION FOR NEXT SPRING, BUT BATTLE OVER ISSUE IS POSSIBLE. END SUMMARY.

2. COMMITTEE I. OVERALL IT IS CLEAR THAT SECRETARY'S VISIT LEFT IMPRESSION THAT US SINCERELY TRYING MAKE EVERY EFFORT AT SUCCESSFUL NEGOTIATION WITHOUT GIVING UP ITS BASIC OBJECTIVES, THOUGH STRONG SENTIMENT HAS BEEN EXPRESSED THAT IF PACKAGE OFFER HAD BEEN MADE EARLY IN SESSION, THINGS MIGHT HAVE GONE BETTER.

A. G 77 MODERATES SHOW GREATEST INTEREST IN NEW PROPOSALS BUT AMONG THEM THERE IS DIFFERENCE IN VIEW WHETHER G 77 CAN EVER ACCEPT GUARANTEED QUOTE DRIVERS LICENSE UNQUOTE ACCESS NO MATTER HOW SWEET US MAKES ENTERPRISE BAIT. AFRICAN GROUP IS IMPRESSED WITH SECRETARY'S PACKAGE PROPOSAL AND HAS ASKED US FOR TEXTS OF ALL STATEMENTS MADE BY SECRETARY IN NY SO THEY COULD BE CAREFULLY CONSIDERED IN AFRICAN GROUP MEETING. MODERATES AGREED, HOWEVER, THAT TEST OF NEW PROPOSALS WILL COME AT NEXT SESSION AND THAT NO SERIOUS RESULTS IN CI ITSELF CAN OCCUR IN REMAINDER OF THIS SESSION. KNOWLEDGEABLE US JOURNALISTS REPORT THEIR CONTACTS SAY SECRETARY'S INITIATIVE WAS CONSTRUCTIVE, USEFUL, SHOULD HAVE COME AT BEGINNING OF SESSION AND PROBABLY NOT ENOUGH TO BREAK LOG JAM AT THIS SESSION OR SUBSEQUENT SESSIONS.

B. G-77 HARDLINERS ARE ANXIOUS TO CONTINUE TO DEBATE THE SYSTEM OF EXPLOITATION TO ENSURE MAXIMUM STATEMENT OF EXTREMIST DEMANDS IN CONFERENCE RECORDS ON NEED FOR DISCRETIONARY AND NEGOTIATED ACCESS. IN SHORT, THEY ARE IGNORING SECRETARY'S INITIATIVE. INDIA (JAGOTA) CALLED MEETING FRIDAY NIGHT OF ABOUT DOZEN LDCS TO ASSESS US PROPOSAL. NO CLEAR CONSENSUS EMERGED. JAGOTA USED OPPORTUNITY TO FLOAT HIS OWN
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PROPOSAL TO EFFECT THAT THERE BE NO ACCESS TO STATES OR COMPANIES UNTIL FIRST ENTERPRISE SITE OPERATIONAL. AFTER THAT OCCURS, A SINGLE SITE COULD GO TO A STATE OR COMPANY WITH CONTINUED ALTERNATION UNTIL REVIEW PERIOD AT WHICH POINT ONLY ENTERPRISE COULD FUNCTION UNLESS REVIEW CONFERENCE DECIDES TO CONTINUE STATE AND COMPANY ACCESS. JAGOTA MADE CLEAR THAT HIS PROPOSAL SHOULD BE VIEWED AS A COUNTER TO SECRETARY'S PROPOSAL--THOUGH HE HAS TAKEN THE SECRETARY'S IDEAS AND MOVED FAR BEYOND THEM. G-77 DID NOT REACT AT THIS MEETING TO JAGOTA PROPOSAL BUT THERE IS LIKELIHOOD THAT EVENTUALLY THEY WILL REACT FAVORABLY. JAGOTA AND OTHERS ARGUED FORCEFULLY THAT US WILL MAKE FURTHER CONCESSIONS IF G-77 WAIT LONG ENOUGH

AND THAT US WILL QUOTE NEVER UNQUOTE PASS UNILATERAL
LEGISLATION ON SEABED MINING.

C. BEST RESULT WE COULD HOPE FOR BY SEPT 17
WOULD BE NO RPT NO NEW TEXT SO THAT NEXT SESSION
BEGINS WITH RSNT AND ON UPBEAT NOTE AS RESULT OF
US PACKAGE OFFER AT THIS SESSION. G-77 MUST HAVE
TIME TO EITHER PUT DOWN ARAB GROUP OR JOIN BASIC
ARAB APPROACH. THIS WILL NOT BE DONE AT THIS SESSION
AND THEREFORE ATTEMPTS AT NEGOTIATION NOW COULD LEAD
TO COMPROMISE WITH WHAT MIGHT TURN OUT TO BE EXTREME
AND ARTIFICIAL G-77 POSITION. NEW TEXT PREPARED AT
THIS SESSION WHETHER AS RESULT OF NEGOTIATION OR ATTEMPT
BY AMERASINGHE TO INVENT COMPROMISE WILL BE MORE
DAMAGING TO US IN CONGRESS THAN MAINTENANCE OF RSNT
IN TACT. WE WILL PRIVATELY STIMULATE G-77 TO CONSIDER
THE SECRETARY'S PROPOSALS WHILE COUNTERING NEW JAGOTA
PROPOSAL; MOVE ON TO ASSEMBLY AND COUNCIL SO AS TO
HAVE FULL PACKAGE ON TABLE (INCLUDING FULL WEIGHTED-
VOTING COUNCIL) FOR G-77 ASSESSMENT DURING INTER-
SESSIONAL PERIOD; APPEAR TO PARTICIPATE CONSTRUCTIVELY
IN ANY NEGOTIATING EFFORT THAT CAN BE
STARTED BUT WE WILL NOT GIVE AT ALL ON ACCESS; INSIST
THAT BEFORE ELABORATING SECRETARY'S PROPOSAL ON THE
ENTERPRISE, WE LOOK FOR A SIMILAR COMMITMENT IN
PRINCIPLE FROM G-77 TO GUARANTEED ACCESS. IF IT
APPEARS A NEW TEXT IS GOING TO BE WRITTEN BY
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AMERASINGHE WE WILL MAKE EVERY POSSIBLE EFFORT
TO ENSURE THAT MINIMUM CHANGES TO THE RSNT ARE
MADE AND THAT HE BUILDS UP THE ENTERPRISE RATHER
THAN TEARING DOWN OUR SIDE OF THE PARALLEL SYSTEM.
CASTANEDA'S SUGGESTION ON NEGOTIATING GROUP FAILED
TO DEVELOP. AMB LEARSON PLANS TO SEE EVENSON MONDAY
ON HIS RETURN TO TRY TO STIMULATE HIM TO ORGANIZE
A GROUP TO FOCUS MAINLY ON ACCESS SYSTEM, ENTERPRISE
AND REVIEW AT THIS TIME. IT MUST BE NOTED, HOWEVER,
THAT AT THIS STAGE THE IRRESISTIBLE TEMPTATION WILL EXIST
TO CUT US OUT OF ANY DRAFTING EXERCISE SINCE
IT IS WELL KNOWN THAT WE WILL NOT AGREE TO ANY
WORSENING OF ACCESS IN RSNT.

D. IN CASE A SERIOUS LAST MINUTE DRAFTING EFFORT
FOR WIDELY ACCEPTABLE COMPROMISE OCCURS, WITH OUR
PARTICIPATION, WE WOULD NEED TO KNOW BY COB WEDNESDAY
WHAT CAN BE SAID PRIVATELY ABOUT OUR FALL-BACK POSITIONS
ON (A) NEGOTIATED AND COMPETITIVE ACCESS, (B) THE
COUNCIL, (C) THE QUOTA SYSTEM, (D) ARTICLE 9, (E)
THE DETAILS OF FINANCING THE ENTERPRISE AND (F)
THE TRANSFER OF TECHNOLOGY TO IT. SINCE NO AGREEMENT
HAS BEEN REACHED IN WASHINGTON ON ANY FALLBACK ON

THESE SIX KEY ISSUES, OUR HANDS WILL BE TIED AND IT WILL BE DIFFICULT FOR US TO HAVE ANY SIGNIFICANT IMPACT ON THE DRAFTING OF A COMPROMISE TEXT THAT WOULD BE SO PERCEIVED AT THIS TIME.

3. COMMITTEE II. THERE ARE SIGNS OF A MOOD DEVELOPING IN WHICH CHANGES COULD BE MADE IN THE ELABORATION OF THE HIGH SEAS FREEDOMS ENJOYED BY ALL STATES IN THE ECONOMIC ZONE, BUT ON A WIDELY-HELD ASSUMPTION THAT THIS WOULD NOT RPT NOT ENTAIL A CHANGE IN THE LEGAL STATUS OF THE ZONE. CASTANEDA'S STATEMENT TO THE SECRETARY WAS, BY IMPLICATION, THE FURTHEST HE HAS EVER GONE ALONG THESE LINES, WHILE WE STIMULATED NORWAY TO SHOW US A NEW STRICTLY PRIVATE PAPER (THAT EMPHASIZES HIGH SEAS FREEDOMS WITHOUT CHANGING THE STATUS OF THE ZONE) WHICH PROBABLY GOES BEYOND WHAT CASTANEDA WAS HINTING AT. DOD HAS NOT RPT NOT AGREED TO DROP
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ITS INSISTENCE ON HIGH SEAS STATUS. ON FRIDAY ADM MINTER REPORTED TO ELSWORTH ON THE PROBLEM OF CONTINUING DOD INSISTENCE ON HIGH SEAS STATUS. AS A RESULT, WE PLAN TO CONSULT WITH MR. MAW ON THE NORWEGIAN IDEAS TUESDAY MORNING, AND THEN OXMAN AND DOD REPS WILL FLY TO WASHINGTON TO MEET WITH MR. ELSWORTH AND OTHERS TO DISCUSS THE CONSEQUENCES OF HOLDING TO A NON-NEGOTIABLE POSITION: THAT IS, NO CHANGE IN THE CURRENT TEXT OR (A POSSIBLY UNINTENDED) WORSENING BECAUSE WE HAD INSUFFICIENT FLEXIBILITY TO SHAPE THE QUOTE COMPROMISE UNQUOTE SUGGESTION. IT WOULD SEEM MOST ADVISABLE FOR US TO WORK THROUGH RELIABLE THIRD STATES SO AS TO MAXIMIZE OUR CHANCES OF IMPROVING THE TEXT WITHOUT COMMITTING THE USG. WE CONSIDER SOME IMPROVEMENT AT THIS TIME EXTREMELY IMPORTANT, BECAUSE THE COMMITTEE II TEXT WILL HAVE A VERY SIGNIFICANT IMPACT ON THE DEVELOPMENT OF CUSTOMARY INTERNATIONAL LAW WHETHER OR NOT THERE IS A TREATY.

4. COMMITTEE III. WERE IT NOT FOR THE FACT THAT THE SOVIETS MAKE IT INCREASINGLY CLEAR THAT THEY CAN ACCEPT A TOTAL CONSENT REGIME, WE BELIEVE THE APPROACH OUTLINED BY THE SECRETARY--NAMESLY, A LIMITED SPECIFIED SET OF CIRCUMSTANCES UNDER WHICH CONSENT CAN BE DENIED--COULD POSSIBLY FORM THE BASIS FOR A COMPROMISE. WE ARE USING A VARIETY OF TECHNIQUES TO WORK AROUND THE SOVIETS AND THE BULGARIAN CHAIRMAN, AND STOP HIM FROM ISSUING NEW PAPERS THAT MOVE IN THE OTHER DIRECTION.

5. PROCEDURE. THERE IS NO DOUBT THAT THE US WOULD

PARTICIPATE IN ANY SMALL GROUP LAST-MINUTE EFFORT,
MOST LIKELY TO TAKE PLACE TOWARD OR DURING THE
NEXT WEEKEND. (HOWEVER, AMERASINGHE COULD WELL
DECIDE TO DO IT ALL HIMSELF, THAT IS, USE ONE
OR TWO INFORMAL ASSISTANTS THAT MIGHT NOT
REALLY INCLUDE US.) THE PROBLEM, PARTICULARLY
ON HIGH SEAS STATUS AND COMMITTEE I, IS THAT OUR
BEST ASSESSMENT IS THAT CURRENT US LACK OF FLEXI-
BILITY WILL REDUCE OUR ABILITY TO INFLUENCE
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THE OUTCOME DIRECTLY; UNDER THESE CIRCUMSTANCES,
THE BEST WE CAN DO IS INFLUENCE THE POSITION
OF MODERATE FRIENDLY STATES IN OUR DIRECTION UNDER
CIRCUMSTANCES IN WHICH THEY ARE NEITHER ASKING
FOR NOR RECEIVING ANY INDICATION THAT THEIR IDEAS
WOULD BE ACCEPTABLE TO US. LEAVING THINGS WHERE
THEY STAND MIGHT BE THE BEST RESULT IN THE FIRST
COMMITTEE, BUT IS NOT RPT NOT A GOOD RESULT IN
THE SECOND AND THIRD COMMITTEES. AMERASINGHE SHOWS
NO INCLINATION TO TREAT THE THREE COMMITTEES
DIFFERENTLY, AND THUS WE MUST COOPERATE WITH
HIM ACROSS THE BOARD TO THE EXTENT THAT WE CANVM BENNETT
UNQUOTE ROBINSON

SECRET

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